

James Browning

From: AMERICAN QUALITY HOME INSPECTIONS LLC <aqhinm@gmail.com>
Sent: Wednesday, July 12, 2023 7:04 PM
To: NMDml_Judge Browning's Chambers nmd.uscourts.gov; Lauren Rotonda
Subject: Fwd: Case No. 1:22-cv-00057-jb-kk
Attachments: image001.jpg

CAUTION - EXTERNAL:

----- Forwarded message -----

From: Lauren Hausman <lauren@copycatlegal.com>
Date: Wed, Jul 12, 2023, 10:04 AM
Subject: RE: Case No. 1:22-cv-00057-jb-kk
To: AMERICAN QUALITY HOME INSPECTIONS LLC <aqhinm@gmail.com>
Cc: Daniel DeSouza <dan@copycatlegal.com>

Good morning Mr. Danzer,

I hope you are well. I wanted to touch base with you on the above referenced case. For avoidance of confusion, I wanted to clarify there are two Laurens in this matter. There is me, Lauren Hausman, and I represent the plaintiff, Maureen Harrington. Then there is Lauren Rotonda, who works with Judge Browning.

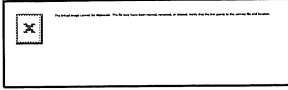
While my client appreciates that you have now showed up in this matter and appreciates your offer to resolve the case for \$2,500, I am not sure I will be able to get my client to agree to that amount. That amount is fairly low considering Mr. Harrington's licensing history for his photographs, as well as the amount of time/fees that have already been expended on this matter. If there are any financial documents you could provide, which would be treated as attorneys' eyes only, I could discuss it with my client and see what we could do in terms of settling this for a lower amount closer to your \$2,500 figure.

If you would like to schedule a phone call today, please let me know and I am happy to make time on my calendar. I do also want to remind you that the pre-trial conference is tomorrow.

Thank you,

File on CM/ECF
8/2/23

8/2/23



Lauren Hausman, Esq.

Associate
Copycat Legal PLLC

T 877-HERO-CAT (877-437-6228)

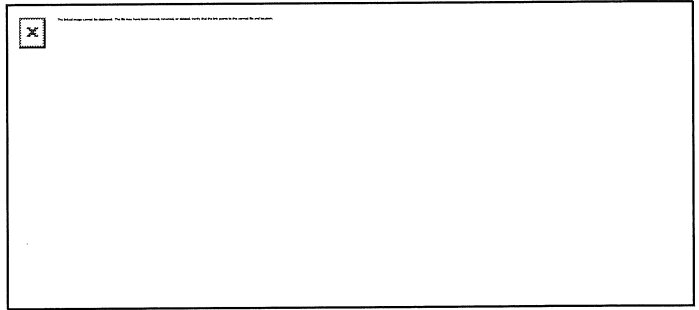
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From: AMERICAN QUALITY HOME INSPECTIONS LLC <aqhinm@gmail.com>

Sent: Wednesday, July 5, 2023 2:00 PM

To: Lauren Hausman <lauren@copycatlegal.com>

Subject: Fwd: Case No. 1:22-cv-00057-jb-kk

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From: AMERICAN QUALITY HOME INSPECTIONS LLC <aqhinm@gmail.com>

Date: Wed, Jul 5, 2023, 11:44 AM

Subject: Case No. 1:22-cv-00057-jb-kk

To: <browningchambers@nmd.uscourts.gov>

Honorable Judge Browning

Regarding:

Blain Harrington VS

American Quality Home Inspections, LLC

Case No. 1:22-cv-00057-jb-kk

...

We received a phone call from Lauren at Judge Browning office stating I was not allowed by rule to represent my small LLC.

I contacted the New Mexico bar association to try to get help with leads to an attorney that can help me with my case. Again every attorney we have spoke with either tells me my case is too far along for them to take the case or they can't help me because of our financial situation. I am lost and do not know how to proceed. Now I have no way of representing my company as I had planned to do so myself. I am at the mercy of the court and your Honorable Judge Browning.

I called Judge Browning's office back and left a message with Lauren requesting information on how to go about finding an attorney that can help me. I did not get a response as of yet.

It is understood we made a mistake by sharing the Facebook post on Facebook. The photo that was shared did not have a copyright attached with it nor did it have a watermark or information regarding who the photos copyright ownership was. We simply shared a Facebook post. The post was not monetized in any way shape or form nor did we use the post with any kind of advertisement whatsoever. The post was not on our website and we did not make any profit from the post.

Your honor, with all due respect I cannot financially afford an attorney. Last year we were on the verge of losing our home because we could barely afford to pay our mortgage. I can show letters from our mortgage company showing we were over 3 months behind on our mortgage. We had to request extensions and had to be bailed out by family. We are struggling to survive. Back in early 2022 I spoke with a bankruptcy attorney to file personal bankruptcy however we couldn't even afford the attorney's fees for the bankruptcy. Over the last 3 to 4 years we have been a struggling to survive business.

I am pleading to the court, please re-look and re-evaluate my case. AQHI was not being malicious in its intent of sharing the photo which was already found and shared on social media and Facebook. Again I cannot stress this enough AQHI did not use the photo on our website or with any flyers or advertisements.

I feel that our offer of judgment is more than fair since we didn't use the photo in any kind of monetized way for any kind of profitable gain and we were not being malicious in any way. There certainly was no loss to Blaine Harrington by us sharing the photo which was already shared on social media. In fact if there was a watermark, or a copyright attached to the images that showed who the owner was we would have displayed a photo credit with the shared post stating who the photographer was and what a beautiful photo it was.

I would be willing to make payments to a total of \$2,500 (two thousand five hundred) to move past this. If American Quality Home Inspections is guilty of anything it's Innocent Infringement without intent to use for advertisement purposes or malicious use. This was simply an innocent act of ignorance. We feel this falls under the fair use act. Furthermore as soon as we were asked to do so we immediately removed the post.

If I cannot represent my company in the pre-trial hearing would I still be able to attend on July 13th.?

...

AQHI would be willing to accept Innocent Infringement and move past this under these terms.

The plaintiff shall dismiss this lawsuit, with prejudice, in its entirety and execute a confidential release.

The total Amount Offered: The total amount of this Offer of Judgment is (\$2,500.00) TWO THOUSAND FIVE HUNDRED DOLLARS, to be paid to the Plaintiff, Blaine Harrington III, by or on behalf of the Defendants, American Quality Home Inspections, LLC. Again the \$2500 would have to be made in payments as we could not afford to make a lump sum payment.

Please consider DISMISSAL or Our Offer of Compromise.

Thank you for your time.

Sincerely

Michael Danzer

505-720-2863

Aqhinm@gmail.com

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